

### REMARKS

The Office Action rejected claims, objected to claims and indicated that the remaining claims were allowed. Applicant amended claims 1 and 31, and added new claims 35-43. Claims 1-4, 6-8, 26 and 31-43 remain. Applicant requests that the Examiner reconsider and withdraw the objection and rejection.

#### **Claim Rejections - 35 U.S.C. § 102**

The Office Action rejected claims 1- 4, 26 and 31 as being anticipated by British Patent Number 2,258,277 ("GB '277"). Independent claims 1 and 31 each now recite, *inter alia*, that each stage of the multiple stage brush "includes at least one" of the passageways. GB '277 fails to disclose or to suggest such a feature. GB '277 describes the use of holes (15) in a shield plate (10) on downstream stages of the brush seal because "[e]xperiments have indicated that ... the bristles of downstream seal elements can become disturbed by the action of the fluid flow between seal elements." (GB '277, p. 2, ¶ 1). GB '277 fails to disclose or to suggest the use such holes on the most upstream stage of the brush seal. In fact, none of the remaining cited references provide a motivation for such a modification. Support for this change appears in the disclosure as originally filed, for example paragraph 34. Applicant requests that the Examiner reconsider and withdraw the rejection.

#### **Allowable Subject Matter**

The Office Action objected to claims 6-8 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form. In light of the discussion above, independent claim 1 (from which claims 6-8 depend) now defines an

invention that is patentable over the cited references. The objection is now improper and must be withdrawn.

### **Allowed Claims**

The Office Action indicated that claims 32-34 were allowed. Applicant did not modify these claims.

### **Newly Added Claims**

Applicant added new claims 35-43. The newly added claims do not introduce new matter. Support for the newly added claims appears in the disclosure as originally filed. For example, support for claims 35 and 42 appears in original claim 4; support for claims 36 and 43 appears in Figures 2 and 3; support for claim 37 appears in original claim 6; support for claim 38 appears in original claim 7; support for claim 39 appears in original claim 8; support for claim 40 appears in original claim 2; and support for claim 41 appears in original claim 3. Newly added claims 35-43 define inventions that are patentable over the cited references.

### **Conclusion**

In light of the foregoing, Applicant submits that the claims are now in condition for allowance. Applicant requests that the Examiner reconsider and withdraw the objections and rejections. Applicant solicits the allowance of claims 1-4, 6-8, 26 and 31-43 at an early date.

No fees are believed due with this Amendment. Nevertheless, Applicant authorizes the Commissioner to charge any fees due under 37 CFR 1.16 or 17, or to credit any overpayments, during prosecution of this Application, to Deposit Account Number 21-0279.

Respectfully submitted,



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I hereby certify that this paper is being transmitted to the United States Patent & Trademark Office facsimile number 703.872.9306 on 22 October 2004.



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